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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,679	01/11/2002	Carlos Fradera Pellicer	31799/242724	8401

826 7590 11/18/2003

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EXAMINER

AMIRI, NAHID

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 11/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/030,679

Applicant(s)

PELLICER, CARLOS FRADERA

Examiner

Nahid Amiri

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 33,35-46 and 48-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 33,35-38,45,46,48 and 50-52 is/are rejected.
- 7) ☒ Claim(s) 39-44 and 49 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 33, 35 and 45-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,526,629 Canvaness in view of US Patent No. 1,597,373 Grimm.

In regard to claim 33: Canvaness discloses the claimed invention FIG. 4, column 4, line 59-67, building panel 20 including a slab 22 comprised of an air concrete material and having opposed faces, reinforcement means 40a,c having a portion 46 embedded within the slab 22 and extending outwardly thereof so as to form an outwardly accessible portion 44, the outwardly portion 44 to allow the slab to be attached to the frame member 40e, Canvaness does not disclose the face of slab includes a visible face with defining pattern. Grimm teaches FIG. 1, page 1, line 74-83, the tile (slab) having a visible face with multicolored 1,2, 3 which is molded to a slab. It would have been obvious to one of ordinary skill in the art at the time of invention was made provide the slab with a mold and modify the visible face of concrete to adapt the molding pattern in order to create slab with different surface appearance.

In regard to claim 35: Cavaness discloses the claimed invention FIG. 4, column 3, line 62-63, a panel formed from concrete material.

In regard to claim 45: Cavaness discloses the claimed invention, FIG. 4, column 4, line 22-24, the panel 20 having frame member 40c defined the second side edge 32 at the rear 36 of the panel 20.

In regard to claim 46: Cavaness and Grimm disclose the claimed invention as stated above in claim 33 except the method of manufacturing the panel. This claim recites the obvious

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method of manufacturing of the panel since Cavaness discloses the slab made of a air resisting material having a reinforcement positioned within the slab Grimm teaches the method of having mold with side and bottom walls by pouring the concrete into the mold wherein the visible face of the mold defining the imparted to the tile. Therefore it is obvious to provide the Cavaness with the method of Grimm's invention in order to construct the slab.

Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cavaness and Grimm as applied claim 33 further in view of US Patent No. 5,715,637 Hesterman et al.

In regard to 36: Cavaness and Grimm disclose the claimed invention except reinforcement having a channel closed end and open end with opposing flanges. Hesterman teaches FIG.4, column 6, line 17-20, a reinforcement 21 having a channel which including an open and closed end, column 6, line 57-59, reinforcement 21 having opposing flanges 21A which embedded in the foamed sheet 11. It would have been obvious to one of ordinary skill in the art at the time of invention was made to modify the reinforcement of Cavaness invention with Hesterman in order to provide the reinforcement within the slab.

Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cavaness, Grimm and Hesterman et al., as applied in claim 36 further in view of US Patent No. 2,703,003 Ruppel.

In regard to claim 37: Cavaness, Grimm and Hesterman disclose the claimed invention except having reinforcement having aperture. Ruppel teaches FIG. 4, column 3, line 24-26, the web portion 27 having a plurality of apertures 26. It would have been obvious to one of ordinary skill in the art at the time of invention was made to provide the reinforcement with a plurality of apertures in order for concrete to permit the thickness of the panel to be built as taught by Ruppel.

Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cavaness, Grimm as applied in claim 33 further in view of US Patent No. 1,682,253 Romero et al.

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In regard to claim 38: Cavaness and Grimm disclose the claimed invention except the reinforcement means having a plurality of metal section formed a frame and disposed to the slab. Romero teaches FIG. 1, the reinforcement having a plurality of metal section formed into frame 10 wherein disposed to slab 11. It would have been obvious to one of ordinary skill in the art at the time of invention was made to modify the reinforcement of the Cavaness's invention with frame reinforcement of the Romero in order to create the individual block section on outer face of structure for unique appearance.

Claims 50-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cavaness and Grimm further in view of US Patent No. 5,715,637 Hesterman et al.

In regard to claims 50-52: Cavaness discloses the claimed invention FIG. 4, column 4, line 59-67, building panel 20 including a slab 22 comprised of an air concrete material and having opposed faces, reinforcement means 40a,c having a portion 46 embedded within the slab 22 and extending outwardly thereof so as to form an outwardly accessible portion 44, the outwardly portion 44 to allow the slab to be attached to the frame member 40e, Cavaness does not disclose visible face defining a molded pattern and an internal closure slab engaged with other face of latticework support. Grimm teaches FIG. 1, page 1, line 74-83, the tile (slab) having a visible face with multicolored 1,2, 3 which is molded to a slab and also Hesterman teaches FIG. 2, column 4, line 13, having an internal closure 10 is attached to a rear surface of the sheet 11. It would have been obvious to one of ordinary skill in the art at the time of invention was made to provide the inner slab in order to construct the interior of the building.

Allowable Subject Matter

Claims 39-44 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 49 is allowed.

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Response to Arguments


Applicant's arguments with respect to claims 33, 35-46 and 48-52 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nahid Amiri whose telephone number is (703) 305-4241 and Fax number is 703-872-9326. The examiner can normally be reached on Monday-Friday from 8:00-5:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Carl Friedman can be reached at (703) 308-0839.

na 

November 13, 2003


Carl D. Friedman
Supervisory Patent Examiner
Group 3600